

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

RENEE TARTAGLIONE

(Petitioner: MARGARET TARTAGLIONE)

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

CRIMINAL NO. 15-491

**PETITIONER MARGARET TARTAGLIONE'S PETITION FOR HEARING  
TO ADJUDICATE VALIDITY OF HER INTEREST IN REAL PROPERTY**

Petitioner Margaret Tartaglione ("Petitioner"), by and through her attorney of record, Anthony G. Kyriakakis, Esq., hereby petitions the Court for a hearing, pursuant to 21 U.S.C. § 853(n), and asserts her interest as an innocent third party with respect to 9401-11 Pacific Avenue, Apartment 9, Margate, New Jersey, 08402, which was identified in the Court's April 11, 2018 Judgment and Preliminary Order of Forfeiture in the above-captioned matter. In support, Petitioner states as follows:

1. Petitioner is the innocent mother of Renee Tartaglione, defendant in the underlying criminal matter and currently serving an 82-month term of incarceration.
2. On April 11, 2018, the Court entered a Judgment and Preliminary Order of Forfeiture as to Renee Tartaglione's right, title and interest in various properties. (Judgment and Prelim. Order of Forf., Dkt. 216.) On July 12, 2018, the Court issued an Order for Restitution and Amended Preliminary Order of Forfeiture. (Order for Rest. and Am. Prelim. Order of Forf., Dkt. 236.)

3. The Court concluded Renee Tartaglione's sentencing hearing on July 12, 2018, and shortly thereafter entered a judgment against Tartaglione. (Judgment, Dkt. 237.)<sup>1</sup>

4. Petitioner does not challenge the Court's earlier findings as to Renee Tartaglione.

5. Petitioner brings this Petition to assert her interests as an innocent third party in real property subject to the Judgment and Preliminary Order of Forfeiture.

6. Petitioner claims interests in the real property located at 9401-11 Pacific Avenue, Apartment 9, Margate, New Jersey, 08402 ("the Margate Property"), which is identified as a substitute asset in Paragraph 10.D in the April 11, 2018 Judgment and Preliminary Order of Forfeiture.

7. The circumstances under which Petitioner acquired her interest in the Margate Property are as follows: on April 7, 2006, a fully executed and notarized Deed conveyed the property to (1) Petitioner and (2) Renee Tartaglione. *See* 2006 Deed, a true and correct copy of which is attached hereto as Exhibit 1. The 2006 Deed is stamped as recorded in Atlantic County, New Jersey, on October 24, 2006.

8. On May 29, 2008, a fully executed and notarized Deed conveyed the property to (1) Petitioner, (2) Renee Tartaglione; and (3) Christine Tartaglione (daughter of Petitioner and sister of Renee Tartaglione) as joint tenants with the right of survivorship. *See* 2008 Deed, a true and correct copy of which is attached hereto as Exhibit 2.

---

<sup>1</sup> The Court entered an Amended Judgment on July 25, 2018 (Dkt. 243), correcting clerical errors in the previously filed Judgment.

9. Although the 2008 Deed was not recorded, it is valid and operative as to Petitioner, Renee Tartaglione and Christine Tartaglione under New Jersey law.

10. Therefore, Petitioner possesses a “right, title, or interest” in the Margate Property pursuant to 18 U.S.C. § 1963(1) and 21 U.S.C. § 853(n) that renders the forfeiture of the Margate Property invalid because Petitioner’s interest was vested, or, in the alternative, was “superior to any right, title, or interest of the defendant at the time of the commission of the acts” giving rise to the Margate Property’s forfeiture.

11. Petitioner further asserts that the forfeiture of the Margate Property would violate her rights under the Constitution of the United States.

12. Petitioner seeks relief from the Court’s Judgment and Preliminary Order of Forfeiture and hereby requests that this Court hold a hearing ancillary to the criminal conviction of Renee Tartaglione, at which Petitioner may testify and present evidence and witnesses on her own behalf pursuant to 18 U.S.C. § 1963(1) and 21 U.S.C. § 853(n), if necessary. Petitioner further requests that the Court amend its prior forfeiture orders to fully recognize Petitioner’s interest in, and right to, the Margate Property.

13. Petitioner reserves her rights to assert an interest in additional real property that the United States may seek to forfeit in this case.

Respectfully submitted,

/s/ Anthony G. Kyriakakis  
ANTHONY G. KYRIAKAKIS, Esq.  
PA ID No. 317096  
DILWORTH PAXSON, LLP  
1500 Market Street, Ste. 3500E  
Philadelphia, PA 19102-2101  
(215) 575-7000  
(215) 575-7200 (fax)

*Counsel for Margaret Tartaglione*

**VERIFICATION**

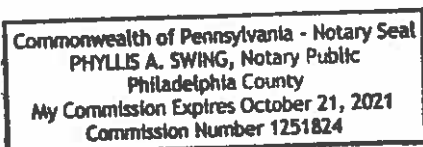
I, Margaret Tartaglione, declare under penalty of perjury under the laws of the United States of America that the contents of the foregoing are true and correct to the best of my knowledge and belief.

Executed on the 13<sup>th</sup> day of December, 2018

  
Margaret Tartaglione

Sworn to and subscribed before me this 13<sup>th</sup> day of December, 2018.

  
Notary Public



**CERTIFICATE OF SERVICE**

I, Anthony G. Kyriakakis, Esq., hereby certify that I have served a copy of  
Petitioner Margaret Tartaglione's Petition for Hearing to Adjudicate Validity of Her  
Interest in Real Property upon the following upon through the United States District  
Court for the Eastern District of Pennsylvania's Electronic Case Filing (CM/ECF)  
system:

Bea Witzleben  
Maria M. Carillo  
Peter N. Halpern  
U.S. Attorney's Office  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106

*Counsel for the United States*

William A. DeStefano  
Terri A. Pawelski  
Stevens & Lee  
1818 Market Street, 29th Floor  
Philadelphia, PA 19103

Lisa A. Mathewson  
The Law Offices of Lisa A. Mathewson  
LLC  
123 S. Broad St., Ste. 810  
Philadelphia, PA 19109

*Counsel for Defendant Renee Tartaglione*

/s/ Anthony G. Kyriakakis

ANTHONY G. KYRIAKAKIS, Esq.  
DILWORTH PAXSON, LLP  
1500 Market Street, Ste. 3500E  
Philadelphia, PA 19102-2101  
(215) 575-7000  
(215) 575-7200 (fax)

Dated: December 14, 2018